

Appln. No. 10/805,732
Amendment dated December 22, 2005
Reply to Office Action mailed September 22, 2005

REMARKS

Reconsideration is respectfully requested.

Claims 1 through 21 remain in this application. No claims have been cancelled or withdrawn or added.

Paragraphs 1 through 4 of the Office Action

Claims 1, 4, 23, and 26 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Yassan in view of Obradovich.

Claim 1 requires, in part, "a display in communication with said computing device and said user interface comprising a menu, wherein a user makes selections comprising audio messages from the menu using the user interface". Similarly, but not identically, claim 23 requires "providing a computing device within a vehicle" and "providing a user interface on a display in communication with said computing device within the vehicle".

It is conceded in the rejection that:

Yassan does not explicitly disclose a display in communication with the computing device.

It is then asserted that:

However, Obradovich et al. teaches a display (figure 2, element 102a) in communication with a computing device (processor 105) wherein the display is used to present the options of the system to the user in an organized way (Abstract). Obradovich et al. further teaches wherein the options can be presented to the user using different media such as text and graphic, with the display, and audio, similarly to Yassan.

It then further contended that:

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system and of Yassan with the teachings of Obradovich et al. because as Obradovich et al. suggests the inclusion of a display allows the information of the system to be "readily available literally at the fingertips of the user" and in view of Yassan would offer a redundant media to further clarify system information.

Appln. No. 10/805,732
Amendment dated December 22, 2005
Reply to Office Action mailed September 22, 2005

However, it is submitted that one of ordinary skill in the art, considering the disclosures of the Yassan and Obradovich would not find the combination of the selected elements of these patents to be obvious.

In particular, the Yassan patent describes a system that is integrated into an audio system of a vehicle. See, e.g., Yassan at col. 3, lines 11 through 14:

Such components [of the inventive system] may be readily incorporated, for example by software installations, in a microprocessor control unit associated with the audio entertainment system of the motor vehicle.

Significantly, the Yassan patent describes the advantages of such as system at col. 4, lines 11 through 35:

Moreover, the system can be implemented with common hardware installed for use with a vehicle audio system, and reduces the number of actuators or transducers that must be packaged with the system to provide these advantageous features.

and further at col. 4, lines 51 through 61:

These vehicle operation actuators interface with a control unit 20 which in the preferred embodiment, is incorporated as a programmed portion of a microprocessing unit of the audio system 12. Other portions of the audio system 12, such as the entertainment unit 22 and the speakers 24, may be of the type conventionally employed in motor vehicles. In the preferred embodiment, the unit 22 comprises a digital signal processing (DSP) multi-drive entertainment unit including a cassette recorder and player, compact disc player and a tuner/receiver for delivering source outputs to the speakers 24.

Thus, the ability of the Yassan system to be integrated into the audio system of a vehicle is found to be advantageous. For one thing, the Yassan system may be used and controlled while the vehicle is moving

In marked contrast, the Obradovick patent describes a system that employs a specialized system that is primarily controlled through a display. However, the Obradovick patent clearly suggests to one of ordinary skill in the art that the Obradovick system is not to be used when the vehicle is

Appln. No. 10/805,732
Amendment dated December 22, 2005
Reply to Office Action mailed September 22, 2005

moving. See, for example, Figure 5 of Obradovick, where the screen instructions state:

WARNING: DO NOT USE WHILE DRIVING

Thus, while the Yassan system describes a system that is incorporated into the audio system of a vehicle and is thus capable of being used while the vehicle is moving, the Obradovick patent clearly indicates to one of ordinary skill in the art that the Obradovick system is not to be used when the vehicle is moving. As the controls of the Obradovick system are positioned on the display, and the system instructs the user not to use the system (or at least the display) when the vehicle is moving, it is submitted that one of ordinary skill in the art would not find it to be obvious to modify the system of Yassan with the display of Obradovick, as this would remove functionality of the Yassan system—namely the ability to use the system while the user is driving.

It is therefore submitted that the cited patents, and especially the allegedly obvious combination of Yassan and Obradovick set forth in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by claims 1 and 23. Further, claims 4 and 26, which depend from claims 1 and 23, respectively, also include the requirements discussed above and therefore are also submitted to be in condition for allowance.

Withdrawal of the §103(a) rejection of claims 1, 4, 23, and 26 is therefore respectfully requested.

Appln. No. 10/805,732
Amendment dated December 22, 2005
Reply to Office Action mailed September 22, 2005

Paragraphs 5 through 24 of the Office Action

Claims 1 through 11, 13, 17, 23 through 33, 15 and 39 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Iggulden in view of Zwern.

Claims 12, 14 through 16, 18 through 21, 34, 36 through 38, and 40 through 43 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Iggulden in view of Zwern, and further in view of Obradovich.

Claims 22 and 24 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Iggulden in view of Zwern and Obradovich, and further in view of an additional patent to Obradovich.

the requirements of claims 1 and 23 have been set forth above.

It is conceded in these rejections of the Office Action that:

Iggulden et al. discloses a general system and method of customizing an appliance and does not explicitly disclose wherein the customization of the appliance is the selection of audio messages.

In particular, it is noted that the Iggulden system includes a number of elements that are employed to load data into the "appliance", as pointed out in the "Summary of the Invention" portion of the Iggulden patent at col. 2, line 57 through col. 3, line 8:

The present invention provides methods and apparatus for setting preferences and other parameters of an appliance. In preferred embodiments of the invention, a user initiates a connection to an interactive site on a global computer network. The site hosts a graphical user interface with which preferences and other parameters of an appliance may be set by the user. In some embodiments, set-up data for the appliance may be downloaded directly to the appliance from the user's computer or the interactive site. In other embodiments, set-up data for the appliance is downloaded from the user's computer or the interactive site to a transfer device where it is temporarily stored. The transfer device is then used to program the appliance. Since the appliance itself does not require a user interface for set-up procedures and programming, the appliance can be smaller, cheaper

Appln. No. 10/805,732
Amendment dated December 22, 2005
Reply to Office Action mailed September 22, 2005

and lighter without sacrificing any functionality. In addition, the need for a printed user's manual is largely obviated since all of the information normally contained in such a manual can be obtained from the interactive site.

Thus, the Iggulden system relies upon a number of components that are not integrated, and are in fact described as being clearly discrete.

It is also asserted in the rejections of the Office Action that:

However, Zwern teaches a user-programmable and customizable security system wherein a user makes selections comprising audio messages using the user interface (element 48, Column 5, lines 33-47) and a means for enabling the execution of a message selected by a user upon the occurrence and detection of a triggering event (Column 6, lines 21-27).

And it is further contended that:

Although Zwern suggests that the security system disclosed does not require external recording or programming, in view of the disclosure of Iggulden et al. it would have been obvious to one of ordinary skill in the electronic art to transfer/store audio files to the system as well as record/store files.

However, it is submitted that, much more than simply not "require[ing] external recording or programming", the Zwern patent leads one of ordinary skill in the art away from such external recording or programming, as the text of the Zwern patent. In fact, one of the objects stated in the Zwern patent is to provide a system that is completely self-contained—see col. 4, lines 29 through 33:

It is yet a further object of the current invention to provide a novel and improved means of incorporating audio messages within security alarm systems without requiring external recording, digitizing, or programming equipment for storing messages.

Further, the Zwern patent states that this self-contained feature is considered to be one of the advantageous aspects of the invention. See, e.g., Zwern at col. 7, lines 31 through 37:

An additional important feature resides in the ability to easily incorporate all of the voice processing means comprising the present invention within a single enclosure containing suitable host security

Appln. No. 10/805,732

Amendment dated December 22, 2005

Reply to Office Action mailed September 22, 2005

alarm control electronics, and thereby achieve a self-contained and complete security alarm system incorporating all of the voice storage and playback features of the invention.

and at col. 8, lines 22 through 28:

It is yet another advantage of the current invention that it provides a self-contained device that can be added to a wide variety of previously installed security alarm equipment for purposes of adding a plurality of user-recordable audio messages that can be broadcast in response to conditions detected by or effected upon said alarm equipment.

And still further at col. 8, lines 35 through 38:

It is still another advantage of the current invention that it can be embodied in a manner that combines both speech and security siren audio transducer output means within a single audio transducer device.

Thus, in view of the foregoing, it is submitted that one of ordinary skill in the art, considering the disclosure of the Zwern patent, would not be motivated to combine the selected aspects of the Zwern system identified in the rejections of the Office Action with the selected features of the system of the Iggulden patent. More specifically, the reliance in the Iggulden patent on the use of the external "transfer device" and "local computer" to import the messages, etc. to the appliance of Iggulden, which is so contradictory to much of the emphasis in the Zwern patent. the and but

It is therefore submitted that the cited patents, and especially the allegedly obvious combination of Iggulden, Zwern, and both Obradovich patents set forth in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by claims 1 and 23. Further, claims 2 through 22 and 24 through 43, which depend from claims 1 and 23 respectively, also include the requirements discussed above and therefore are also submitted to be in condition for allowance.

Withdrawal of the §103(a) rejections of claims 1 through 43 is therefore respectfully requested.


Appln. No. 10/805,732
Amendment dated December 22, 2005
Reply to Office Action mailed September 22, 2005

CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

GATEWAY, INC.

By  Date: Dec. 22, 2005
Jeffrey A. Proehl (Reg. No. 35,987)
WOODS, FULLER, SHULTZ & SMITH P.C.
P.O. Box 5027
Sioux Falls, SD 57117-5027
(605)336-3890 FAX (605)339-3357